

# Contract Details: # TXMAS-17-03FAC01

<b>Number</b>	TXMAS-17-03FAC01
<b>Description</b>	Facilities Maintenance and Management
<b>Category</b>	TxSmartBuy
<b>Type</b>	TXMAS
<b>Start Date</b>	6/20/2017
<b>End Date</b>	12/11/2021
<b>Fed</b>	GSA #GS-21F-017GA
<b>Purchase Category Code(Agencies Only)</b>	PCC X
<b>Optional Renewal Terms</b>	3 five-year renewal options

Only purchase orders issued through Texas SmartBuy (TSB) are eligible for contract pricing. The Contractor cannot ship any products or provide services until receipt of a Purchase Order generated by the TSB system.

**All purchase orders that include a quote order line (excluding linked item quotes) will be placed on hold pending Statewide Procurement Division (SPD) review.**

## **Quote order requirements:**

### **Purchase Orders**

1. Items that are available in TSB must be placed through the TSB shopping cart. The TSB shopping cart allows up to 45 line items. Once 45 line items are added to the TSB shopping cart, the additional order items must be totaled and entered using the quote order line.
2. State agencies must enter no less than 20 items into the TSB shopping cart before utilizing the quote line option. Texas SmartBuy Members are encouraged to add items to the TSB cart before utilizing the quote line option.
3. All purchase orders that include a quote order line require the attachment of a completed contractor quote containing the following:
  - Detailed, unit pricing of all contracted items and services.

- The contractor’s TXMAS contract number clearly identified.
- Open market, or incidental, items clearly identified.

4. Validation of contract pricing and item availability is the responsibility of the purchaser in determining best value. When the attachment is confirmed, SPD will release the purchase order to the TXMAS contractor for fulfillment.

5. If approval is requested prior to the order being inputted in TSB, or SPD assistance is requested to validate pricing or item availability, the information may be submitted to txmasquote@cpa.texas.gov.

**Customers may only purchase TXMAS goods or services from a TXMAS Contractor online through Texas SmartBuy. CPA does not authorize any offline sales of this TXMAS contract's goods or services.**

**IMPORTANT: The services provided by this contract may be a service subject to the provisions of Texas Government Code Chapter 2254, Subchapter B. A state agency, as defined by [Texas Government Code Chapter 2254](#), may only acquire the services subject to Texas Government Code Chapter 2254, Subchapter B according to the procedures identified in that subchapter. Failure to comply with the provisions of Texas Government Code Chapter 2254, Subchapter B could result in a void contract.**

#### Order Limitation

The contractor is not required to accept orders below the minimum listed below. Orders between the minimum and maximum listed below are subject to the pricing of the underlying contract.

Minimum order: \$100

Maximum order: \$1,000,000

#### State Contracts

All TIBH term contracts and Texas Correctional Industries (TCI) term contracts take precedence over this TXMAS contract. If similar products or services are listed on this TXMAS contract and a CPA Term contract, a determination should be made that will result in a best value purchase.

#### Approved Products/Services

Only products or services listed in the underlying contract may be purchased from this TXMAS contract, with one exception. Incidental, off-schedule items may be purchased as "best value, open market" items provided that they are necessary for product integration or product

completeness. The purchasing entity is responsible for ensuring that the quoted price for such incidental items is fair and reasonable. These incidental items may be added to the TXMAS purchase order if they are clearly labeled as "open market (OM), best value" items.

**Incidental items may not exceed \$5,000.00 OR 50% of the purchase order total, whichever is less.**

If the pending order includes incidental items that exceed the stated limits, a request may be submitted to the Statewide Procurement Division for review and consideration of an exception. **Exception requests shall be submitted to** [txmasquote@cpa.texas.gov](mailto:txmasquote@cpa.texas.gov). The request must include a copy of the complete contractor quote listing all core items and a detailed incidental charge breakdown.

<b>Delivery</b>	10 days ARO
<b>FOB Point</b>	N/A
<b>Expedited Payment Discount</b>	Prompt payment terms: 0.5% 10 days, net 30. Information for ordering offices: Prompt payment terms cannot be negotiated out of the contractual agreement in exchange for other concessions.
<b>Compliant Products by Contractor</b>	Customer reserves the right to require new delivery or a refund in the event that materials or products not meeting specifications are discovered after payment has been made.
<b>Restocking Fee for Returned Products</b>	Refer to contract upon which TXMAS contract is based.
<b>Rebate Reporting Requirement for Federal</b>	<p>Pursuant to Texas Government Code §2155.510(b), rebates generated from TXMAS contract purchases made in whole or in part with federal funds must be reported by the purchasing agency for reporting, and reconciliation purposes with the appropriate federal funding agency. Each quarter of the State's fiscal year (September 1 through August 31), TXMAS contractors rebate 0.73875% of their TXMAS sales to the State of Texas via the Texas Comptroller of Public Accounts (CPA). It is the purchasing entity's responsibility to report the amount of rebate to the federal fund-provider using the above percent based on the total dollar value of the TXMAS purchase order.</p> <p>Example: A purchasing entity receives and uses federal funds of \$50,000 to purchase items/services on a TXMAS contract. The purchasing entity must report to the federal fund-provider that a sales rebate of \$369.37 (<math>\\$50,000 * 0.73875\% = \\$369.37</math>) will be paid to the State of Texas by the TXMAS contractor.</p>
<b>Contractor Performance</b>	The Statewide Procurement Division Contract Management Office (SCMO), a division of the Comptroller of Public Accounts (CPA), administers a vendor performance program for use by all customers per Texas Government Code (TGC), §2262.055, and 34 Texas Administrative Code (TAC), §20.108. The Vendor Performance relies

on the customer's participation in gathering information on vendor performance. State agency customers shall report vendor performance on purchases of \$25,000 or more from contracts administered by CPA, or any other purchase of \$25,000 or more made through delegated authority granted by CPA (TAC 20.108), or purchases exempt from CPA procurement rules and procedures. State agencies are additionally encouraged to report vendor performance on purchases under \$25,000.

Vendor Performance shall be reported through the CPA [VENDOR PERFORMANCE TRACKING SYSTEM](#).

The purpose of the Vendor Performance Tracking System is to:

- Identify vendors that have exceptional performance
- Aid purchasers in making a best value determination based on vendor past performance
- Protect the state from vendors with unethical business practices
- Provide performance scores in four measurable categories for the CMBL vendors
- Track vendor performance for delegated and exempt purchases

#### **Contractor Information**

**VID:** 10305624032

**Contractor:** Power Vac America, Inc.

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